G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

19 10

(Court)

File No. 153

Serial Nos.

Papers Filed.

Month March.

SUBJECT.

Complaint of Mr. Parkes a Coffee Planter of Chickmagalur against an order of the Munsiff's Court.

PREVIOUS REFERENCES.	LATER REFERENCES.
	C5 9-11 1-10 B

G.R.S.11] 1910.

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 153-C0

FILE HEADING.

Petitions.

From

The J. A. Resident in Mysore.

D. O No. 7841 Dated 22.12.10 Received 23.12.10.

Diary No. 11681 Enclos. 2 Spare Copies - Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of his former D.O. letter dated the 22nd Oct'10 forwarding a complaint from Mr H. W. Raikes of Chikmagalur regarding his arrest for a debt and requesting that the Resident may be informed of the facts of the ca

NOTES AND ORDERS.

Dewan's order

Secretary, Please send copy to Registrar of Chief Court, D.O. for such inquiries as the Chief Court may be pleased to order and to intimate

NOTES—First sheet.

GPB—30,000—3-4-07.

Serial No.

the result to Government.

(Sd) J. A. R.
23rd Dec 10.

Secretary's orders:-

Branch III
(Sd) C. S. B.
23/12/10

(Sd) S. H.
23/12/10.

Draft D. O. submitted for approval.

24/12/10.

Issue.

Sd
24/12/10.

D.O. issued to the Registrar, Chief Court N° I 1901 & 24.12.1910.

Genl and Rev. Secretariat

Dated Bangalore 26th Dec 11.

D.O. No 1901/bb153-10-2

My dear Sir,

I am desired to forward herewith a copy of the complaint, from Mr. H. W. Raikes of Chikmagalur, regarding his arrest for debt, for such inquiries as the Chief Court may be pleased to order, and to request you to be so good as to intimate the result to Govt.

Address to the Hon'ble the Resident.

Yours Sincerely

for Secretary.

To B. Basavarajaya Esq
Registrar of the Chief Court of Mysore in Chas

J2078 4

Bangalore
11th Feby 1911.

My Dear Sir,

Referring to your D.O. No. J 1901. dated the 24th December last (received on the 3rd Jany) I am desired to send you a copy of the Shimoga District Judge's report dated the 31st Jany. with its enclosures (in original) I am to add that the

further report promised by the District Judge is awaited.

Yours sincerely

S. Hiriyanna Esq.
Asst. Secy to Govt

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No. 1483/297 En.15 as per list.

Office of the District Judge, Shimoga Division,

Dated, 31st January 1911.

From,

Mir Hamza Hussein Esquire, B.A., B.L.,

District Judge, Shimoga Division.

To,

V.A.Rajaratna Mudaliar,Esquire,

Registrar, Chief Court of Mysore.

Sir,

With reference to your docket No.2987/103 dated the 4th January 1911, calling for a report upon the letter of Mr. H.W. Raikes, dated the 13th October 1910, to the address of the Honourable the Resident in Mysore, complaining about the execution of a certain warrant of arrest, I have the honour to forward herewith, the marginally noted reports of Mr. T.Krishna Iyengar, Munsiff of Chickmagalur, together with the records of the enquiry ordered by me upon a letter dated the 19th October 1910 addressed to me by Mr. Raikes upon the subject, as also the records ~~th~~ in Execution Case No.137 of 1909-10, and Execution Case No.1 of 1910-11 in connection with which the warrant in question was issued.

1. letter No 263 dated 12th January 1911
2 - - - No 178 - - - 5th November 1910

2. From the above papers, it will be seen that on 24th July 1903, one Krishna Chetty obtained a decree against Mr. H.W. Raikes in O.S.No.455 of 1902, on the file of the District Court, Civil and Military Station, Bangalore, and had it transferred for execution to the Munsiff's Court, Chickmagalur. An execution application was presented in the latter Court for a sum of Rs. 1052-11-1, but as the original decree was in respect of a sum that exceeded the pecuniary jurisdiction of the Munsiff's Court the application was transferred to the Sub Court, Shimoga, for

execution

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execution. A warrant for attachment of the moveable property of the judgment-debtor was issued and as it was returned unexecuted the case was struck off on 8th February 1910.

3. A second application was filed in the Sub Court, Shimoga, on 30th June 1910, for a sum of Rs. 1112-7-3 praying for the arrest of the judgment-debtor and attachment of his moveable property. A warrant for the arrest of the judgment-debtor was ordered to issue by Mr. N.T.Gopala Iyengar, Offg: Subordinate Judge, on 1st July 1910, and as it was returned unexecuted, a fresh warrant was ordered to issue on the 13th September 1910. This warrant was entrusted to Amin Rama Rao of the Chickmagalur Munsiff's Court, and it is the execution by him personally upon the judgment-debtor that has led to the present complaint being made by Mr. H.W.Raikes. The circumstances under which the warrant was executed and the way Mr. Raikes acted, have not been stated by the latter in his letter to the Honourable the Resident in Mysore. But from the records of the enquiry which I ordered upon his complaint, I gather the following facts:-

On the evening of the 6th October, the Amin met Mr. Raikes near the Post Office at Chickmagalur and showed him the warrant of arrest and informed him of its contents. This Mr.Raikes calls shouting in his letter addressed to me and states that he went away to the club, apparently without paying any heed to the warrant in question. The Amin followed him to the club, and left him there upon an assurance given to him by the members of the club that they would be responsible for the appearance of Mr. Raikes the next day before the Munsiff's Court. Accordingly, the Amin met Mr. Raikes the next day at the Traveller's bungalow and accompanied him to the Munsiff's Court. Here Mr. Raikes had an application presented to the Munsiff through Pleader Mr. Seshacheliah, praying for the release of the judgment-debtor on the grounds (1) that he was ready to furnish security, (2) that the subsistence allowance was not sufficient, (3) that he was not in a fit state of health to travel. Mr. Raikes had not produced a

medical

medical certificate and the subsistence allowance of Rs. 3/- deposited by the decree-holder was in accordance with the scale prescribed in Chief Court Circular No.8 dated the 3rd September 1878, which allows only a maximum rate of 8 annas per diem in case of Europeans and Eurasians. The distance between Chickmagalur and Shimoga is 67 miles of which 25 miles is by road and 42 miles by rail, and the whole journey can be performed within 24 hours by travelling in a cart from Chickmagalur to Kadur and thence by rail to Shimoga. The sum of Rs.3/- that was deposited was in no way insufficient to recover the expenses of the journey. Moreover, Mr. Manjiah a pleader of Chickmagalur, was under instructions from the decree-holder, ready to deposit any excess sum that might be required. Mr. Raikes might, no doubt, have been ready to furnish security, but the Munsiff, held and I think quiet correctly, that he had no jurisdiction to interfere in the matter. Mr. Raikes was asked to step into the room of the Deputy Nazir but he paid no heed to it. He went away afterwards to take his breakfast, apparently of his own accord, and was followed by an Amin. By the evening Mr. Raikes was able to raise the amount and satisfied the warrant, and he was at once set free, if it can be said that Mr. Raikes had submitted himself to the custody of the Amin.

pages 69 & 70, Civil Digest.

4. Under these circumstances I fail to see wherein the 'scandulous and disgraceful treatment' which Mr. Raikes complains of lies. The warrant was issued under the authority of Law and was executed with due regard to the feelings of Mr. Raikes. The Law in the Mysore Province upon the subject is not different from that of British India. The grievances of Mr. Raikes seem to be purely imaginary and based upon a misapprehension of Law. The Amin could not release him upon any of the grounds mentioned by him in his letter of complaint. The Amin could not take into consideration the potential ability of Mr. Raikes to raise the amount of debt, nor had he the power to accept the security that might have been furnished on his behalf. The Law of course is no respector of persons and the fact that Mr. Raikes if paying

Rs. 1000/-

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Rs. 1000/- as taxes is no ground for exceptional treatment. One of the grounds of his complaint to me was that the Amin had no right to approach him at 6-55 P.M..But this point he has not pressed in the letter under notice. The warrant has been executed in strict conformity with Law and I fail to see how the presence of a European police man or a European District Magistrate would have saved Mr. Raikes from a predicament which was brought about by his own impecunious circumstances.

5. As regards the conduct of the Amin, it will be seen from the report of the Munsiff that, consistent with his duty, the Amin has been quite considerate towards Mr. Raikes. He allowed him to go to the Club, left him there upon the assurance given to him by his friends and allowed him to appear the next day before the Munsiff and present an application to him. The only point deserving of notice in the conduct of the Amin is the allegation made that he put his hands on the person of Mr.Raikes and asked him to go to the second class Lock-up. As regards the latter part of this allegation, Mr.Raikes seems evidently to be mistaken for there is no second class Lock-Up at Chickmagalur. What the Amin says and what has been proved in the enquiry is that he asked Mr. Raikes to step into the room of the Deputy Nazir, for the Court-hall was not the proper place for the detention of the judgment-debtor. As regards the former part, the Munsiff states that he did not observe any such rude behaviour on the part of this or any other Amin of the Court nor was the matter brought to his notice then and there. He has examined all the members of the Bar present at the time, including Mr.Raikes' Pleader, Mr.Seshacheliah, and none of them states that the Amin behaved in the manner alleged by Mr.Raikes.

6. Under these circumstances, I have reserved the papers for holding a personal enquiry into the matter. I am due at Chickmagalur for the next Sessions on the 13th of February. I shall

enquire

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enquire into the matter thoroughly and deal suitably ~~into~~ with the conduct of the Amin.

I have etc.,

Sd/- Mir Hamza Hussein.

District Judge, Shimoga Division.

"Copy",

B.V. REGISTRAR.

180.

List of papers sent as enclosures to letter No. 1683/297 dated the 31st January 1911.

1. Copy of letter of Mr Raikes to the District Judge, Shimoga, dated 19-10-10.
2. Ditto of Chikmagalur Munsif's letter No. 178 dated 5-10-10.
3. Ditto of the order of the Chikmagalur Munsif dated 7-10-10 passed on the application presented by the petitioner, together with a ~~Kannada~~ in Kannada copy of the petition and a translation thereof.
4. Translation of Amin Rama Rao's Explanation with a copy of the original.
5. Copy of Mr K.Srinivasa Rao's statement.
6. Do. of Mr S.V. Dasappa.
7. Do. of Mr H.P.Ramaswamiengar.
8. Do. of Mr D. Appoo Rao.
9. Do. of Mr A. Seshachalia.
10. Do. of Mr S. Manjia.
11. Do. of Mr T. Rama Rao.
12. Copy of Mr U. Shiva Rao's statement.
13. Copy of the letter of Chikmagalur Munsif, No.363 dated 12-11-1910.
14. Record in Execution Case No. 137 of 1909-10 on the file of the Sub-Judge of Shimoga.
15. Record in Execution Case No. 1 of 1910-11 on the file of the Sub-Judge, Shimoga.

Narasimhayya
SHERISTEDAR.

D.L.

-:0:-

19-10-10.

The Giri,

Chikmagalur.

The District and Sessions Judge,

S h i m o g a.

Dear Sir,

I beg to bring my very serious complaint against one of the Chikmagalur Munsif's Court amins, named " Rama Rao".

He attempted to stop me and arrest me at 6-55 p.m. on the 6th, but I took no notice of him when I heard what he wanted. Of course, I could not then read the document he flourished in my face shouting opposite the P.O.

Two gentlemen at the Club bid him and others go away, they would be responsible for my appearance when the Court opened next day: when they went away but returned at 7 a.m. to Travellers' Bungalow. I went with them to Court at 11 a.m. where the Munsif said he could in no way assist me and after two hours I went out to get my breakfast followed of course by two amins. I raised the money by accident by 5 p.m. and paid it in. Of course to raise 1100 Rs in Chikmagalur in cash is next to impossible ordinarily in 3 or 4 hours. It is to none of these things I would draw your attention, but this:- What right had this amin Rama Rao to shove me in Court and tell me to 'get up and come along to 2nd class lock-up. I've plenty of other work to do'?

This was simply done to amuse the row of Vakils opposite, and because the Munsif had ruled I was in the hands of the amin. I beg that proper notice be taken and punishment meted out for his wilful impertinences; and especially for putting

his

his hands on me at all, and his general insolent behaviour, shouting, etc.

Of course too he had no right to approach me when he first did at 6-55 p.m.

I also beg to bring to your notice the warrant issued in Shimoga or from Shimoga provided 3 Rs only for my keep from I think 26th September to date of hearing 20th October, the date of hearing in Shimoga. I pointed this out to Munsiff thro' a stamped petition thro' my Vakil, but it too was overruled.

I have taken the whole matter to the highest authorities but this one matter of the amin's conduct I bring to your notice. The man, I should judge, to be a native of Poona or Dharwar.

I beg to remain, Sir,
Your obedient servant,
(Sd) H.W. Raikes.

" Copy "

DISTRICT JUDGE,
Shimoga Division.

D.L.

Copy of letter No. 178 dated the 5th November from the Munsif of Chikmagalur to the District Judge, Shimoga.

Sir,

With reference to your docket No. 864/344 dated 24th/26th Ultimo, calling for my report in respect of the matter complained of by Mr H.W. Raikes in his letter dated 19th October 1910, I beg to submit as follows:-

S. Rama Rao, an Amin in the Process Establishment attached to this Court, was entrusted by the Deputy Nazir with the execution of the warrant issued to him, for the third time, by the Court of the Subordinate Judge, Shimoga, for the arrest of the complainant in execution (x) of a decree on the file of the District Court of Bangalore Civil and Military Station. The warrant specified the judgment-debtor's subsistence money as Rs 3/- from the time of his arrest until he was taken before the Court (Section 339, C.P.C.), the maximum daily allowance payable for Europeans being annas eight and it being at the discretion of the Court to fix the rate within that limit (Pages 69 & 70 of the Civil Digest). It is unquestionable that a judgment-debtor may be arrested in execution of a decree at any hour and on any day and that he should as soon as practicable be taken before the Court unless the amount required by the warrant be sooner paid. (Sections 336 and 337, C.P.C.) The rule No. XVI under the Process Rules (Digest, page 98) also lays down that the person arrested by the amin of an outlying Court under the warrant issued by another Court, should be forthwith taken to the station of the Court issuing the warrant and delivered to the Nazir ther

(x) Bangalore C.& M.Station District Court, O.S.No.455 of 1902. Shimoga Sub Court - Execution Case No. 1 of 1910-11.

Even

14

Even in case of the judgment-debtor's serious illness (a matter referred to in the complainant's stamped petition presented to this Court) the authority rests in the Court issuing the warrant to cancel it prior to the arrest or release him if arrested (Section 653, C.P.C.) Under the warrant the legal duty of the arresting officer was to deliver the judgment-debtor to the Central Nazir at Shimoga unless the money was sooner paid and in the meantime be responsible for the judgment-debtor's safe custody. The arresting officer is of course empowered to confine the judgment-debtor after arrest till such delivery or payment is made.

In respect of the warrant in question, the complainant himself has stated in his letter that the warrant was issued in Shimoga or from Shimoga; that the Amin attempted to stop him and arrest him at 6-55 P.M. on the 6th October 1910, after he had heard what the Amin wanted and shouted and after he had seen the document; that the Amin then followed him to the Club and went away after two gentlemen in the Club stood responsible for his appearance when the Munsif's Court ~~opened~~ at Chikmagalur opened the next day; that the Amin returned to him at 7 a.m. to the Traveller's Bungalow and went with him to the said Munsif's Court at 11 a.m.; that the Munsif said he could in no way assist him and overruled even the plea of insufficiency of subsistence allowance represented to him on a stamped petition through his Vakil; that at 1 p.m. he went out of the Munsif's Court to get his breakfast followed by the Amin and that he paid the amount after 5 p.m.

Admittedly therefore the Amin kept the complainant in free custody from 6-55 p.m. till after 5 p.m. the next day, though the Amin was under no obligation to do so and he could or should have left Chikmagalur to Shimoga with the complainant in his custody with all convenient speed soon after 6-55 p.m

The

The complainant has ventured to make the statement that he took no notice of the Amin even after hearing what the Amin wanted and notwithstanding the Amin's attempt to stop him and arrest him at 6-55 p.m., opposite the Post Office, under the authority of the document the Amin showed him, shouting (relating its contents loudly). That the complainant could not then read the document, did in no way prevent the arresting officer from exercising his powers, under the circumstances.

That the complainant had found it difficult to raise Rs 1100 in Chikmagalur in 3 or 4 hours, if not from 6-55 p.m. till 5 p.m. the next day, does in no way concern the Amin. It was in his own interest that the complainant managed to raise the funds and pay it in satisfaction of the decree-debt. He avoided thereby the consequences that would have followed the arrest.

In spite of so much concession shown to him by the Amin, the complainant represents in his letter dated 12 days after the payment of the decree amount that in order to amuse the row of Vakils and because the Munsiff had ruled that he was in the hands of the Amin, the Amin, whom he believed to be a native of Poona or Dharwar, shoved him in Court and told him to get up and go with him to 2nd Class Lock-up, and he had plenty of work to do.

The Amin's paternal grandfather lived in the Dharwar District. But the Amin's father and his uncle settled in the Mysore State and were also pensioners. The Amin owned no property in Dharwar or Poona. He is a short lean man aged 32 years and he is in service since 1902.

The only point for consideration is whether the Amin had shoved the complainant in Court and told him to go with him to Second Class Lock-up, in the presence of the Vakils.

16

The complainant was seated in the Court-hall along with the Vakil Mr Seshachalia and two Europeans who appeared as witnesses in a suit on the file of this Court. There were also other Vakils.

Eight Vakils including Mr Seshachalia were pleased to put in writing their view in the matter of the complaint. Two of them (Messrs Dasappa and Manjia) have said that there was nothing unusual nor anything that attracted their attention; while the remaining six have made out that after the complainant's application to the Court (oral or written) was rejected, the Amin asked the complainant to get up and follow him to the Nazir's room, as he had to be left there since he had other business to attend to, answering his Vakil that seat was arranged there, but the complainant never heeded the Amin. The Amin also admits having required the complainant to follow him to the Nazir's room as he had not as yet taken his dinner.

Since such is the version of the Vakils, it cannot be said that the Amin had given utterance to the words referred to in the letter under advertence.

I did not notice such an utterance in Court and it was not brought to my knowledge then and there.

If the arresting officer should exercise his powers harshly or objectionably he can of course be dealt with administratively. In order to do so, I believe, there must be a formal application duly presented by the aggrieved person by himself or through his lawyer and sufficient evidence in support of it.

I have nothing more to add in the matter of the complaint reported in the letter sent by post.

The

17

The letter under advertence together with the Amin's explanation and statements of the eight Vakils is herein enclosed.

I have etc.,

Sd/-T.Krishna Iyengar,

Munsiff

' Copy '

District Judge,

D.L. Shimoga Division.

18

Cops

Mr. asimbhaya

Sheristedar

7-10-1910.

19

Presented by Mr. Seshachalia and petitioner in person

12-30 Noon.

In the Court of the Munsiff of Chikmagalore

O.S. 455 of 1902

Shimoga Sub-Court Execution No.1 of 1910-11.

Under section 648 C.P.C.

The defendant petitioner has been arrested through this Court in pursuance of a warrant issued by the Sub-Court Shimoga in the above named Execution case. The defendant is not in a fit state of health to travel in pursuance of that warrant. The subsistence allowance of Rs 3 paid by the plaintiff as diet money is not sufficient to cover the expenses of the defendant from here to Shimoga. It is very low. The defendant is ready to furnish satisfactory security binding himself to be present before the Sub-Court Shimoga on the date of hearing viz.25-10-10. For the foregoing reasons the petitioner humbly prays that this honourable Court may be pleased to release him taking security and to allow him to produce a medical certificate regarding his health.

Sd:- H.W. RAIKES.

O R D E R

The petition was read. The section has no bearing to the question on hand as the arrest is made in execution of the decree of the Sub-Court whose jurisdiction extends over this District as well.

It is the look out of the bailiff to certify whether or not the judgment debtor is in a fit condition to travel and he may take the judgment- ~~be~~ debtor under arrest to any doctor in case he desires to furnish a certificate, the judgment- debtor being now before this Court. As regards the subsistence allowance

The bailiff has represented nothing to this Court and it should be presumed that the Court issuing the warrant has duly considered the provisions of the law concerning the question (Section 339, C.P.C.) I am not authorized to order the release of the petitioner or to take any security from him. With these observations the petition is rejected.

Sd. T. Krishna Iyengar,
Munsif.

' Copy '

DISTRICT JUDGE,
Shimoga Division.

D.L.

To

The Munsiff,

Chikmagalur.

Explanation of Amin Rama Rao, dated 3rd November 1910.

I had been entrusted with a warrant issued against Mr Raikes, authorising me to arrest him in case the amount of decree had not been produced by him, in Execution Case No.1 of 1910-11 on the file of the Subordinate Judge, Shimoga, I have already made an abstract report on the back of the warrant as to the manner in which it was executed by me. But now having been called upon to make a full report of the circumstances of its execution, I respectfully beg to state as follows:-

On 6-10-1910, at about 6 o'clock in the evening, I met the defendant near the Court premises and having read over and explained to him the substance of the warrant, I asked him either to pay up the decree amount or to submit himself to the authority of the warrant. But the defendant (Mr Raikes) forced his way to the European Club despite his knowledge of the fact that there had been a warrant of arrest against him. Believing that the defendant, being a gentleman, would pay up the amount, I subjected him to no restraints.

2. The Court is already aware of the fact ~~that~~ of the defendant having presented an application at 11 a.m. on the 7th October 1910 after receiving full instructions in the matter from Mr Pleader Seshachalia and myself.

3. Being a subordinate, I beg to represent I never misbehaved in the public Court in presence of Vakils in the manne

alleged

alleged by the defendant. This fact is personally known to the lawyers and others that were present on that day and their examination will make the matter more clear.

4. On obtaining orders from the Court I had to escort the defendant to the Court of the Subordinate Judge, Shimoga, I therefore requested the defendant to kindly enter into the Nazir's room. The defendant not having taken notice of it, I asked the Nazir to set another Amin to watch the defendant as I had to go for my meals.

5. I beg to state that on consideration of the defendant being a European gentleman I showed him due respect by acting according to his wishes and by allowing him sufficient time though it was my duty to take him to the Court of the Subordinate Judge, Shimoga, under whose warrant he was arrested.

I beg to submit that the Court may be pleased to take such view of the matter as it may deem proper, regard being had to the allegations of the defendant which are against the facts which actually happened. I never committed any offence as alleged in the defendant's letter , nor did I do any act not allowed by the rules.

6. Though the amount deposited was sufficient to take the defendant to Shimoga, the Plaintiff's Pleader, Mr Manjayya, had promised me to make an additional payment in case any casual expenditure was to be met with. The truth of this will be ascertained if he be enquired in the matter.

I have reported the matter as it actually happened.

NOTE.- My grandfather was in Dharwar. After him, my father and my paternal uncle came and settled in Mysore. They had entered Mysore Government service and had enjoyed pension. I own no property in Dharwar. I am domiciled in Mysore.

' Translation '

District Judge,

ગુજરાતમિત્રમાં જાહેરાત આપવા

તા 3/11/10

ગુજરાત સમાચાર પેપર્સ : અમદાવાદ માટે જાહેરાત

1/4/10-11

પ્રેસ નોટ તૈયાર કરવા બાબત : મહિલા સશક્તિકરણ અંગે

ખેડા જિલ્લા પંચાયતની મહિલા સશક્તિકરણ અંગેની યોજના

1. ખેડા જિલ્લા પંચાયત દ્વારા મહિલા સશક્તિકરણ અંગેની યોજના અમલમાં મૂકવામાં આવેલ છે. આ યોજના અંતર્ગત ખેડા જિલ્લાની મહિલાઓને સ્વરોજગારી માટે રૂ. ૧૦૦૦૦/- સુધીની લોન આપવામાં આવશે. આ લોન ૫ વર્ષમાં ૧૦ સમાન હપ્તામાં ચૂકવવાની રહેશે. આ યોજનાનો લાભ લેવા ઇચ્છતી મહિલાઓએ તા. ૧૫-૧૦-૨૦૧૦ સુધીમાં જિલ્લા પંચાયત કચેરી, નડિયાદ ખાતે અરજી કરવી.

2. (અ) ઉપરોક્ત યોજનાનો લાભ લેવા માટે અરજદાર મહિલાની ઉંમર ૧૮ થી ૫૫ વર્ષની વચ્ચે હોવી જોઈએ. તેમજ તેમનું કુટુંબ ગરીબી રેખા નીચે જીવતું હોવું જોઈએ. આ માટે તલાટી-કમ-મંત્રી પાસેથી આવકનો દાખલો રજૂ કરવો ફરજિયાત છે.

(બ) અરજદાર મહિલાએ પોતાના ગામના તલાટી-કમ-મંત્રી પાસેથી રહેઠાણનો દાખલો મેળવવો જરૂરી છે. આ ઉપરાંત અરજદાર મહિલાએ પોતાના ગામના સરપંચ પાસેથી ચારિત્ર્યનો દાખલો પણ મેળવવો જરૂરી છે.

(ક) અરજદાર મહિલાએ પોતાના ગામના તલાટી-કમ-મંત્રી પાસેથી રહેઠાણનો દાખલો મેળવવો જરૂરી છે. આ ઉપરાંત અરજદાર મહિલાએ પોતાના ગામના સરપંચ પાસેથી ચારિત્ર્યનો દાખલો પણ મેળવવો જરૂરી છે.

3. આ યોજના હેઠળ લોન મેળવવા ઇચ્છતી મહિલાઓએ પોતાની અરજી તા. ૧૫-૧૦-૨૦૧૦ સુધીમાં જિલ્લા પંચાયત કચેરી, નડિયાદ ખાતે રજૂ કરવી. ત્યારબાદ આવેલી અરજીઓ ધ્યાને લેવામાં આવશે નહીં.

ಅಂತಿಮ ನಿರ್ಣಯವನ್ನು ಸರ್ಕಾರವೇ ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಆ ನಿರ್ಣಯವನ್ನು ಪ್ರಕಟಿಸುವ ಮೊದಲು ಸರ್ಕಾರವು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳ ಅಭಿಪ್ರಾಯವನ್ನು ಕೇಳಬೇಕಾಗಿಲ್ಲ.

4. ಸಂಬಂಧಿಸಿದ ಪಕ್ಷಗಳು ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕೊಡಲು ಸಾಕಷ್ಟು ಸಮಯ ಕೊಡಲಾಗಿದೆ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಅನಿಸಿದ ಮೇಲೆ ಸರ್ಕಾರವು ಅಂತಿಮ ನಿರ್ಣಯವನ್ನು ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಆ ನಿರ್ಣಯವನ್ನು ಅಂತಿಮವಾಗಿ ಜಾರಿಗೆ ತರಲು ಸರ್ಕಾರವು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳಿಗೆ ಸೂಚನೆಗಳನ್ನು ಕೊಡಬಹುದು. ಆ ಸೂಚನೆಗಳನ್ನು ಪಾಲಿಸಲು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳು ಬದ್ಧವಾಗಿರುತ್ತವೆ.

5. ಕೊಳ್ಳಲು ಮತ್ತು ಮಾರಲು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳಿಗೆ ಸಮಾನ ಅವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಿಕೊಡಲು ಸರ್ಕಾರವು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳಿಗೆ ಸೂಚನೆಗಳನ್ನು ಕೊಡಬಹುದು. ಸದ್ಯಕ್ಕೆ ಸಮಾನ ಅವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಿಕೊಡಲು ಸಾಧ್ಯವಿಲ್ಲ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಅನಿಸಿದರೆ ಸರ್ಕಾರವು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳಿಗೆ ಸೂಚನೆಗಳನ್ನು ಕೊಡಬಹುದು. ಆ ಸೂಚನೆಗಳನ್ನು ಪಾಲಿಸಲು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳು ಬದ್ಧವಾಗಿರುತ್ತವೆ.

6. ಈ ಒಪ್ಪಂದದಲ್ಲಿ ಹೇಳಿರುವುದನ್ನು ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಯಾವುದೇ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಗಳು ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಯುದ್ಧ ಮಾಡಬಾರದು.

Shall undertake not to start any thing except battle

SM.
4-11-10.

25

Copy

Bharasinhji
Sheriedar

Re Mr Raikes' complaint against amin Rama Rao of this Court:-

---

Mr Raikes complains that Amin Rama Rao showed him in Court and told him to get up and come to 2nd class lock-up, which is not true. The amin was standing at a respectful distance from Mr Raikes who was seated in the Court-hall along with his lawyer and his two friends. When the Court said that it had no jurisdiction to interfere in the matter, etc., on the application of Mr Raikes presented through his lawyer who was seated by his side, the amin approached the judgment-debtor and said as follows:-

"ನಿ ಆ ಕ್ಲಾಸು ನಾಳೆ ರು ರೂಂತು ಹಿ ಕೊಂಡ ಸಂಗ"

Then Mr Raikes' lawyer remarked that there was no proper accommodation in the Nazir's room. The amin said that seat had been arranged there. Even then Mr Raikes remained seated along with his lawyer and did not go with the amin.

This is all what transpired so far as I know, between Mr Raikes and amin Rama Rao in Court that day. I was present that whole day in Court from 11 A.M. to 6 P.M.

(Sd) K. SRINIVASA RAO,
Advocate.

28-10-10.

' Copy '

District Judge,
Shimoga Division.

D.L.

27

On 7-10-1910, when I came to Court, I saw Mesrs Raikes, Watson and Allardice already seated in the Court-hall. Mr Seshachaliah presented an application to the Court on behalf of Mr Raikes which was disposed of that day only. After I came to Court and before Mr Raikes left the Court-hall I was not present during the whole interval, having gone out at times on other business of my own. In my presence nothing transpired between Mr Raikes and amin Rama Rao.

Sd/- S.V.Dasappa,

" Copy "

District Judge,

D.L. Shimoga Division.

On 7th October 1910, when I was in the Munsif's Court at Chikmaglur, Mr H.W. Raikes with 2 amins and 2 other gentlemen came and took seat with lawyers. Mr Seshachaliah moved the Court on behalf of Mr Raikes for his release from arrest. The Munsif wanted Mr Seshachaliah to produce Vakalat and a proper written application. When he was writing the requisite application, one of the amins requested Mr Raikes to follow him to the Nazir's room. Mr Seshachaliah asked the amin as to proper seat, etc., for the arrested. He replied in the affirmative. Mr H.W.Raikes did not stir out of his seat nor amin did anything more. The written application was presented to the Court and orders passed when the 3 gentlemen including Mr Raikes left the Court room and amins followed.

Sd/- H.P. Ramaswamiengar,

Pleader.

29-10-10.

' Copy '

DISTRICT JUDGE,

D.L. Shimoga Division.

Regarding the matter of complaint against the Amin by Mr. H.W.Raikes as to what transpired in the Court on 7-10-1910.

When I came to the Court that day, Messrs. H.W.Raikes, Allardice and Watson were seated in the Court-hall along with some of the Vakils. After some time Mr Raikes represented the Court about his arrest and to bereleased on furnishing security orally, whereupon the Court said that a written application might be given and that the Court would pass orders on the same. Afterwards the amin called Mr Raikes to the Nazir's room as he had other business to attend to. After a few minutes the written application was presented to the Court and orders passed thereon.

After this, Mr Raikes and his companions left the Court with the amin.

The amin told Mr Raikes in Canarese as follows:-

"ದಿಳಿನ್ನಿಂ. ನಾವು ರೂಂಗೆ ಹೋಗೋಣ. ಬಿಲ್ಲು ಪತ್ರೆ"

28-10-1910. (Sd) D. Appu Rao,
Chikmagalur. Advocate.

" Copy "

District Judge,
Shimoga Division.

D.L.

At the request of the Munsif, regarding the complaint of Mr Raikes against Mr Amin Rama Rao:-

I followed Mr Raikes to the Court-house, when the two amins also followed him. Mr Raikes gave me Vakalat and asked me to request the Munsif, on his behalf, to take security from him to appear on the date of hearing before the Sub-Court at Shimoga, as he could not go that day.

I made oral application to the Munsif, as per Mr Raikes' request and requested him if he can comply with my request and he asked me to do the same by means of writing if there is provision. Accordingly, I was engaged in writing the application for Mr Raikes, while I heard Amin Rama Rao addressing Mr Raikes, "ಏ ಸ್ವಲ್ಪ ನಿಲ್ಲಿರಿ. ನಾನಿಲ್ಲಿಗೆ ಬರುತ್ತೇನೆ". In the meanwhile, I asked the amin if he can wait until Mr Raikes takes his meals as it was late for his breakfast, or to get him suitable meals. Afterwards, I attended to my business.

Sd/- A. Seshachalayya,

28-10-10. Pleader.

' Copy '

DISTRICT JUDGE,

D.L. Shimoga Division.

Re Mr Raikes:-

On 7-10-10, when I was in Court, Mr Raikes and two other gentlemen, viz. Messrs. Allardice and Watson, came in followed by two amins Rama Rao and Hanumantha Rao. Mr Seshachaliah filed an application praying for time being given for his appearance, etc. Munsif passed some order observing that he had no jurisdiction to entertain the same. After that, the amin with the above gentlemen went out. There was nothing unusual nor anything that attracted ~~any~~ my attention particularly. After a while, I saw these gentlemen and another Mr Srinivasa Rao in Court and also saw making the payment to the amin in Court. I know nothing else in the matter. I was now and then out for my other business.

28-10-10. Sd/- S. Manjayya,
Pleader.

' Copy '

District Judge,
Shimoga Division.

D.L.

Re the complaint of Mr Raikes as to what amin Rama Rao is stated to have said to him in Court while he was under arrest:

Mr Raikes came to Court with his companions and the amins about 11 a.m. I was in Court before them. Before Mr Raikes' written application was filed and long after after his oral application was rejected, amin Rama Rao simply asked Mr Raikes that a seat has been arranged for him in the Nazir's room and that he had to be left there as he had other work to attend to. This is all what transpired in Court in my presence till Mr Raikes left the Court-house after his written application was rejected.

28-10-10. Sd. T. Rama Rao,
Pleader.

' Copy '

District Judge,
Shimoga Division.

D.L.

On 7-10- 1910, while I was in the Court, Mr. H.W.Raikes with two European gentlemen came in followed by the Amin and took their seats in the Court hall. Mr. Seshachalayya on behalf of Mr. Raikes made an oral representation to the Court. After making some observations about jurisdiction he was required to make the representation in writing. It was some time before the application was presented. In the interval the Amin who was patiently waiting requested Mr. Raikes to go to the Nazir's room. Mr. Seshachalayya inquired of the Amin whether there was proper accommodation there. The Amin said that seats were arranged there and again requested Mr. Raikes to follow him to the Nazir's room. Mr. Raikes never heeded him and was sitting in the Court hall till the written application was presented and orders were passed thereon when Mr. Raikes and his two friends left the Court hall with another Amin.

Sd/- U. SHIVA RAO,
Advocate.

' Copy '

DISTRICT JUDGE,
Shimoga Division.

Copy of letter No. 263 dated the 12th January 1911, from the Munsif of Chikmagalur, to the District Judge, Shimoga.

-:0:-

Sir,

With reference to your No. 1339/509 dated the 8th Instant, asking me to furnish a separate report with special reference to the allegations made by Mr H.W. Raikes in his complaint dated the 13th October 1910 addressed to the Honorable the British Resident in Mysore, in addition to my report No. 178 dated the 5th November 1910 on the complaint dated the 19th October 1910 made to you, I have the honor to state as follows:-

2. On the 6th October 1910, S. Rama Rao, an amin in the Process Establishment attached to this Court, was entrusted by the Deputy Nazir with the execution of the warrant issued to him, for the third time, by the Court of the Subordinate Judge, Shimoga, for the arrest of the complainant in execution of a decree of the District Court, Civil and Military Station, Bangalore, the amount due under the decree being Rs 1100/- (Execution Case No. 1 on the file of the Court of the Subordinate Judge, Shimoga, and Original Suit No. 455 of 1902 on the file of the said District Court).

3. Referring to para 2 of the letter of complaint now under report, viz. that the complainant was arrested on the 7th October 1910, I beg to state that I see nothing objectionable in it, so far as it concerns the conduct of the amin; but I beg to add that the complainant is silent in this letter as to what all happened on the 6th October 1910 and that he was treated much more leniently than he was legally entitled to. (Vide the complainant's letter dated the 19th October 1910 addressed to you and my report No. 178 dated the 5th November

1910

35

1910 thereon and also Sections 336 and 337 of the Civil Procedure Code and the Process Rule No. 16 published on page 98 of the Civil Digest.).

4. Para 3 of the complainant's letter under report:- The amin had no authority to accept guarantees of the complainant's friends and he was within his legal limits in keeping a close watch on the movements of the complainant. When the complainant presented himself in this Court he made an oral representation through his Vakil and then put it in writing. On this application I ordered that I could not release him on security or on the plea of illhealth or insufficiency of the subsistence allowance (Vide the petition and order thereon and Sections 653, 339 and 338 of the Civil Procedure Code and the Chief Court's Circular Letter No. 8 dated 3rd December 1878 published on pages 69 and 70 of the Civil Digest).

5. The Amin had obviously no authority to release the complainant on account of the complainant's difficulty to raise the required amount or on his friend's security for the amount or on his own status.

6. Regarding the alleged insulting treatment by the Amin before the Court, I beg to state that I neither observed any improper behaviour by the Amin, nor was such improper behaviour if there should have been any, brought to my notice immediately after its occurrence in Court. The statements of the complainant's own and other Vakils and of the Amin sent with my report No. 178 dated the 5th November 1910 is sufficient proof of no improper treatment having been offered by the amin to the complainant.

7. The records connected with the above are herewith resubmitted.

I have etc.,

' Copy '

(Sd) T. Krishna Iyengar,
Munsiff.

District Judge,
Shimoga Division.

D.I.

G. R. S. 12]
General and Revenue Secretariat.

File No. of 19

Serial No.	
	Subd - The records in Ex Case N° 137 of 1909-10, and Execution Case N° 1 of 1910-11, referred to in para (1) of the District Judge's report have not been received
	The previous papers on the subject are before the Dewan. This may perhaps be submitted, in continuation of Ag. (122) 13-2-11. Subd for orders.
	Yes - a further report is

NOTE—Contn. sheet.

SN(11)

GPB—50,000—12-8-10

Serial No.

promised

13/2/11.

Forwarded to the Under Sec? on duty with the Secy

13/2/11.

10140
14.2.11 Note D.O. Secy to Govt

For further action taken, please see Office notes ending with from No 11207 dt 21.4.11. The entire D.O. correspondence is put up. 1012
25.4.11.

GPB—50,000—12-8-10

Submitted to His Highness.

I submit herewith certain D.O. correspondence with the Residency with reference to a complaint made by Mr. Raikes, a coffee Planter of Chikmagalur, about alleged improper conduct by an Amin of the Chikmagalur Munsiff's Court, while executing a warrant for the arrest of Mr. Raikes in execution of a decree of the District Court, Civil and Military Station, which was transferred to the Sub-Judge's Court, Shimoga.

Papers under disposal

2. The reports received from the District Judge, who has enquired into the case, go to show that the Amin did not act improperly.

S and T

Ku

30/11/11

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

30.3.11
1890.

Complaint of Mr. Raikes, a Coffee Planter of Chikmagalur of an alleged improper conduct of the Amin of the Chikmagalur Munsiff's Court

588

Order.

~~KRW~~
6/4/11

Secy
11 April

III
File
CRG
13/4/11

Note
The entire D.O. correspondence put up-
n
KRW
15/4/11

15/4/11

Serial No.

Complaint of Mr. Rankes against an Amin of Chikmagalur Muff's Ct.

This matter has been going on since October last, and it is only in an indirect manner that I see the files today.

Secretary.

15/4/11

Asstt Secy (M)
Kindly have the papers arranged in chronological order & paged & a note why the file was not sent to us much earlier

18/4/11

(Done)

17/4/11 Sdt

With reference to the above I beg to state that the first paper on the subject was received by me on the 23rd Dec'10 with the Dewan's order on it.

Serial No.

that it Shd be Sent to the Ch. Court for such inquiry as they may be pleased to order. In pursuance of this order a D.O. was issued to the Registrar on the 24th idem. Altho Shage the matter Shd have gone up to the 2nd Cr but I very much regret that neither the office nor myself noticed the omission.

The first report from the Chief Court was received in the office and sent up to me on the 13th Feb 11 but as it was stated in the office note that the papers on the subject were before the Dewan I forwarded this last Communication also without either noting or passing any order on it.

It will be seen from the routine note below that the file was called for from the office and sent to the P. S. D on 10th Feb 11 that is before the first report from the Ch. Ct was received. All subsequent Correspdce has taken place in the Dewan's office

Please see notes in the main file.

Subd to Secretary.

18/4/11.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

The above explanation will show how the omission to submit the papers to the 2nd Cr, which is much regretted, arose. If the file had remained in the office when the Registrar's reply of 11 Feb came, it would have been sent to Dewan through the 2nd Cr in the ordinary course of business.

1958

2nd Cr

CBB
18/4/11

SA
18/4/11

Seen. The matter may be dropped after submission to the Dewan for information.

20/4/11

Dewan

11207
21-4-11

CBB
20/4/11

SA
21/4/11

(Residency D.O. No: 2376 dated 21st April & also the Under Secretary's D.O. to the Registrar of the Chief Court, No: 2227 & 25 with connected D.Os item are placed on the file - A copy of the Residency D.O has been submitted to His Highness the Ma-

NOTE—Contn. sheet.

GDB—50,000—12-8-10

Serial No.

Subject to 2nd Cr. for perusal

27/4/11

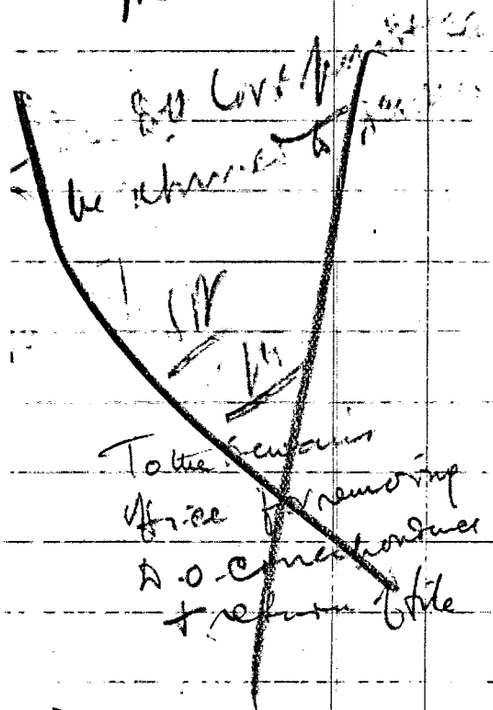
26/4/11

26/4/11

28/4/11

File

25/4/11



29/4/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

44

Submitted to His Highness.

In continuation of my note dated 30th March 1911, I submit herewith a copy of Residency D.O.No.2376 dated the 21st instant conveying the thanks of the Resident for the careful reports of the District Judge of Shimoga on the subject of Mr. Raikes' complaint against an Amin.

by

25 April

D.O. letter No.2376 dated Bangalore, 21st April 1911, from the First Assistant Resident, to the Dewan.

I am desired to acknowledge the receipt of your D.O. letter No.2105, dated the 30th March 1911, regarding Mr. Raike's complaint against an Amin, and to convey the thanks of the Resident for the careful reports of the District Judge of Shimoga on the subject.

****

"Copy"

Kuatham
Under Secretary on duty
with the Dewan.

46

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Residency letter No.2376 of 21st April 1911, expressing thanks for the careful reports of the District Judge of Shimoga regarding Mr. Raikes' complaint against the Amin of Chickamagalur.

25.4.11
1962.

647

Order.

~~KRW~~
4/5/11

Secy
5/May/11

file
CRM
8/5/11

KRM
8/5/11

8/5.

8/5/11

To be file with Connected papers

D. O. No. Fr 1777

THE RESIDENT MYSORE

BANGALORE.

24th November 1910.

Dear Dewan Pachiappa

Will you kindly refer to my d.o. letter No.6368, dated the 22nd October 1910, regarding Mr. H. W. Raikes of Chickmagalur?

Col. Daly will be glad to be favoured with a reply at your early convenience.

Yours Sincerely

First Asst. Resident.

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
22.11.10.

G.R.S. 13]

68

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

F. A. Resident to D. O.
no. 7112 being a remin
to his D. O. letter no.
6368 dated 22nd Oct.
1910 regarding mr.
H. W. Raikes of Chick
magalur.

The D. O. of the 22n
Oct. 1910, referred to
above does not seem
to have been receiv
in this Branch.

I enquired in Bran
I, II, III & IV and
also the General Depat
It does not appear t
have been received
in the office

Subd.
US. 41 Secy. 3/12/9
3-12-10.
Dewan 3/12/10

Vide D.O. No. 1678 & 3/12/10 to the
C&H&O F. A. Resident

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

Bangalore 3

D. O. No. 1678 : 3 Dec 10

49

My dear Sir.

I shall be obliged by your kindly sending me a copy of your D.O. letter No 6368 dated the 22nd October 1910 regarding Mr H. W. Raikes of Chicka-magalur, a reply to which has been asked for in your D.O. letter No. 7112. of the 24th Novbr.

Yours Sincerely

[signature]

Dft
C.R.(O) by
3/12/10

P. B. Warburton Esqre I.C.S
First Asst to the Hon'ble
the Resident in Mysore

D.O. No. Fr 1917 J1681

BANGALORE.

22nd December 1910.

Dear Dewan Sahib

As desired in your D.O. letter No.1678, dated the 3rd December 1910, I send herewith a copy of my D.O. letter No.6368 of the 22nd October 1910 and of Mr. H. W. Raikes' complaint referred to therein.

Yours Sincerely

First Asst. Resident.

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
21.12.10.

51

D.O. letter No.6368, dated the 22nd October 1910, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.

&&&&&&

I am desired to forward herewith, in original, a letter* -- dated the 13th October 1910, from Mr. H. W. Raikes of Chickmagalur regarding his arrest for a debt, and to request that the Resident may kindly be informed of the facts of the case.

*Return requested

&&&&&&&&&&&&&&&&&&&&&&

Copy.

A. S. Tumbali avl

Registrar,

Mysore Resident's Office.

K.M.
22.12.10.

Chikmagalur. 5

13th October 191

From,

H.W. Raikes, Esquire,

The Giri Estate,

Chikmagalur.

To,

The Hon'ble Colonel Hugh Daly

British Resident, in Mysore,

Bangalore.

Sir,

I have the honor to bring the following case to you for your due consideration in the hope that you may be able to advise such steps being taken to prevent in future any other gentlteman in this State being subjected to such seandaleus and disgraceful treatment as I have lately been so unfortunate as to experience.

On the 7th instant I was arrested for a debt under an order from the Shimoga Court, and the warrant was served through amiens of the Munsiff's Court at Chikmagalur.

These said amiens on arresting me would not accept my friends' guarrantees for producing me at the Munsiff's Court at the appointed time, but kept a close watch on all my movements and dogged my footsteps until accompanied by my friends I duly went to Court. Here the Munsiff stated he could do nothing for me and I was entirely in the amiens' hands - the warrant being from Shimoga.

The amiens declined to release me although:

(a). The amount of debt was available but not momentarily realisable owing to business in Chikmagalur being more or less at a standstill owing to plague.

(b). Two gentlemen were prepared to give security for the amount.

(c). I am a considerable landholder and possessor of property in Mysore, and have been for forty years paying Rs. 1000/- taxes.

I have the honor to submit that I was then subjected to the most disgraceful and insulting treatment and offered every possible indignity by the amiens of the Court, one of whom in Court, to show his aithority, put his hands on my person again and again and told me " to come along at once to the second class Lock-up, as he had a lot of other work to do". This before a court full of Brahmin Vakils who were all obviously thoroughly enjoying the situation. The Munsiff alleged he was powerless to show me any consideration, but ruled that the Rs.3/- in the hands of the - - amiens was sufficient for my board and lodging until 26th instant.

I have the honor to bring to your notice the following points:-

(1). There is no European Policeman to act in such cases who would at any rate treat a European with decency and subject him to as little ignominy as possible.

(2). There is no European official in Chikmagalur to whom to appeal for assistance in such a case, and in my this case even the Native Deputy Commissioner was absent.

(3). There is nothing to prevent any European being similarly treated. In a moffusil town such as Chikmagalur it is often impossible to get a cheque cashed under four days, although the person arrested may have thousands at his credit in the Bank.

(4). Such treatment is most injurious to the interest of the European community here and might concurrently cause a breach of the peace.

(5). In view of the large European interest in the Kadur District and the possible recurrence of case such as mine it is highly desirable that a European Magistrate should be appointed.

It will be, of course, known to yourself that to arrest and lock up a European for a contested Rs. 100/- interest a native amien is sufficient.

I have the honor to be

Sir,

Your most obedient servant,

J. W. Davies.

D. O. No. Fr 2071

THE RESIDENT MYSORE

BANGALORE.

D. O. No. 732

9th February 1911.

Dear Sir

I am desired to invite a reference to the correspondence ending with my letter No.7841, dated 22nd December 1910, regarding Mr. Raike's arrest -- for a debt, and to say that Col. Daly will be obliged if you can kindly favour me with a reply at your early convenience.

Yours Sincerely

J. B. Wanless

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

9.2.11.

hm

Reply that the draft to
~~have~~ Clare has been
referred to the Chief Whip
the reply shall be sent
as soon as we hear
from that Office

10/7/11

55

Urgent Bangalore

D. O. No. 1893

10th Feb 11

My dear Sir,

I am directed by the Dewan to invite your attention to Mr. Hiriyannayya's DO letter No J 1901 dated 26th Dec 1910 regarding Mr. H. W. Raikes' arrest for debt and to request you to let me know when the report may be expected by Govt.

Yours Sincerely

Sd) T. Gwindekar

V. A. Lajpatrai Mudaliar Esq
Registrar, Chief Court.

"Copy"

10/2/11

Bangalore
10th Feb 11

D. O. No. 1894

My Dear Sir,

With reference to your D.O. letter No. 732 & 9th inst. regarding Mr. Raike's arrest for debt, I write to state that the subject has been repd to the Chief Court and a reply shall be sent as soon as we hear from that office.

The Registrar of the Chief Court has been written to expedite the result of the inquiries

Yours Sincerely
Drafted Dewan

P. S. Warburton Esq
I/C Assl Resdt

Bangalore
16 Feb 57

D. O. No. 1915-/En/

My dear Sir

In regard to your reference relating to Mr Rackes' Complaint and in continuation of my D O letter No. 1894 of 10th Feb.y 11 I wrote this to state for the infn of the Honble the Resident that a local inquiry has been held by the Distt & Sessions Judge of Shimoga Dr a copy of whose report

dat

dated 27th August has
been forwarded to
me by the orders of
the Chief Court. The
report is so full
and self contained
that I like the liberty
of annexing a copy
of it for the perusal
of the Honble the Resident
The original annexures
to it are kept back
as probably Col
Daly would not re-
quire them

Yours Sincerely

Draft

Edwardes

P.T. Wanchope Esq
I.A.G.

9
59

D.O. No. 2-2106

THE RESIDENT MYSORE

BANGALORE.

No—1139.

22nd February 1911.

Dear Sir

I am desired to acknowledge, with thanks, the receipt of your D.O. letter No.1915, dated the 16th February 1911, regarding Mr. Raikes' arrest for a debt, and to say that the Resident would be glad to receive a copy of the final report of the District Judge of Shimoga in regard to the conduct of the Amin concerned.

Yours Sincerely

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
21.2.11.

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G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

DO No. 1139 dated the 22nd Feb 1911 (F 2106) from the First Asstt to the Hon'ble the Resident to the Dewan re Mr Raikes arrest

No further report has yet been received from the Chief Court

Submitted.

C.E.P.
13 Feb 11.

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

Supreme 61

14 Mar 11.

D. O. No. 2016

Dear Mr Rajaratna Mudaliar,

Please refer to your D.O. letter of the 11th Febr 1911 to Mr S. Hiriyanniah in the matter of Mr Rai Kes' complaint in regard to his arrest. I am desired by the Dewan to request that the further report of the District Judge, promised in your D.O. maybe sent early, or if no further report is expected, that fact maybe intimated.

Yrs sincerely

[illegible]

Rec'd 24-3-11

D. O. No. 2. 2280

Bangalore
21st March 1911.

Dear Mr. Chatham,

Referring to your D.O. No: 2016 of the 14th instant I am desired to send the enclosed copy of the further report received from the Dt Judge of Shimoga in re Mr Lawkes' complaint.

Yours Sincerely
D Rajalakshmiah

63

From,

Mir Hamza Hussain Esquire, B.A. B.L.,
District Judge,
Shimoga Division.

To,

V.A.Rajaratna Mudaliar Esquire,
Registrar of the Chief Court of Mysore,
Bangalore.

Dated 18th March 1911
Camp Sagar.
Despatched

Received 20th March 1911.

General No. ____ Camp No. C.
No.

Enclosure No.

S i r,

In continuation of this Office letter No. 1483/297 dated 31st January 1911, I have the honor to state that I went to Chickmagalur on 14th February, and during my stay there enquired into the complaint made by Mr. Raikes regarding the conduct of Amin Rama Rao in executing the warrant of arrest entrusted to him. I did not hold a Judicial enquiry as I found that local feeling was running high at the time. The few European Planters I met were much exercised in their minds on account of the arrest made which was the first of its kind in this part of the Province, and some of the native gentlemen were considerably

excited

64

excited on account of a contemptuous reference made by Mr. Raikes about an important and influential section of the Hindu community. I thought it advisable therefore to hold an informal enquiry, and gathered the necessary information through conversation with Mr. Raikes and Mr. Watson on the one side, and the Munsiff and the members of the local Bar on the other.

Mr. Raikes and his friend Mr. Watson who went with him to the Court house, state that the Amin pulled Mr. Raikes by the shoulder and asked him to go with him to the 2nd class lock-up, whilst, as I stated in my previous letter, the Munsiff and the members of the Bar including Mr. Raikes' pleader Seshachaliah are equally positive that no such thing occurred in the Court house.

I have already discussed the possibility of the Amin asking Mr. Raikes to go to the 2nd class Lock-up, and, as there is no such building available for Civil prisoners in Chickmagalur, there is some force in the contention of the Amin that he could not possibly have used that expression. What the Amin states is (and this statement is confirmed by those of the Lawyers) that he asked Mr. Raikes to step into the Deputy Nazir's room as the Court hall was not the proper place for his detention The conversation was held in Kanarese, and there is a possibility of the Amin being misunderstood on the point. As regards the other allegation, my own impression is that the Amin did not intend to convey any insult to Mr. Raikes. He might have made a gesture with his hand while asking Mr. Raikes to leave the Court house and get into the room of the Deputy Nazir, and in doing so he might have touched the person of Mr. Raikes quite unconsciously, and this might have been noticed by the members of the Bar who were present at the time. Had it not been so, Mr. Raikes would not have brooked such an insult, and if he had not retaliated at once, he would have then and there brought the matter

to

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to the notice of the Munsiff.

It is therefore difficult to hold the Amin guilty of intentional misconduct towards Mr. Raikes, but in view of the complaint made and as a warning to the Amins to be more careful, cautious, and considerate, in future, when executing warrants of arrest, I have transferred Rama Row to Sagar which is by far a worse place than Chickmagalur.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- Mir Humza Husein,
District Judge,
Shimoga Division.

'Copy'
Nagattahalli
Registrar.

13
16

W

To the last of your instant,
happen for whom is for it is,
my that I sent you
a few minutes ago add
Reception Resident
in Mrs (Office Matter,
Baths complaint -

Please
Let me
know
as/3/16

Subs

2
I have
seen this

Lead Reminder to Chief Count
Response for the further Report
promised -

W
14 M 11

Bangalore

2 Mar/5 30th March 11

D. O. No. 2105/En 1

My dear Sir,

As requested in your D.O. letter No. 1139 of the 22nd Feby 1911, I have sent a copy of the further report received from the District Judge of Chanda in connection with the complaint of Mr Raikes regarding the alleged improper conduct on the part of an Amin

Yours sincerely

(J Dewar)

P.S. Warburton Esq I.C.S.
First Asst to the Resident.

(6)

Further report received from the District Judge of Shimoga in re Mr. Raikes' complaint.

In continuation of this Office letter No.1483/297 dated 31st January 1911, I have the honor to state that I went to Chickmagalur on 14th February, and during my stay there enquired into the complaint made by Mr. Raikes regarding the conduct of Amin Rama Rao in executing the warrant of arrest entrusted to him. I did not hold a Judicial enquiry as I found that local feeling was running high at the time. The few European Planters I met were much exercised in their minds on account of the arrest made which was the first of its kind in this part of the Province, and some of the native gentlemen were considerably excited on account of a contemtuous reference made by Mr. Raikes about an important and influential section of the Hindu community. I thought it advisable therefore to hold an informal enquiry, and gathered the necessary information through conversation with Mr.Raikes and Mr. Watson on the one side, and the Munsiff and the members of the local Bar on the other.

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It is therefore difficult to hold the Amin guilty of intentional misconduct towards Mr. Raikes, but in view of the complaint made and as a warning to the Amins to be more careful, cautious and considerate, in future, when executing warrants of arrest, I have transferred Rama Rao to Sagar which is by far a worse place than Chickmagalur.

****

"Copy"

Under Secretary on duty with the

Dewan.

D. O. No. 2238

Mysore Residency,

D.O. No. 2376. Secret

Bangalore, 21st April 1911.

Dear Dewan Sahib

I am desired to acknowledge the receipt of your D.O. letter No.2105, dated the 30th March 1911, regarding Mr. Raike's complaint against an Amin, and to convey the thanks of the Resident for the careful reports of the District Judge of Shimoga on the subject.

Yours Sincerely

P.R. Wadsworth

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
20.4.11.

1 Copy sent Vice Roy no 2227 dt 25.4.11.

2 Copy Subd to His Highness. 26.4.11

1 Copy to Chief Comm

2 Secretary to Resident

1. Issued
2 draft submitted

G.R.S. 26]

File No.
Serial No. 11

Diary No. of letter replied to

Bangalore
25- April 11.

D. O. No. 2227/Fin/1

No.

General and Revenue Secretariat
( )
, the 19 .

To

V. A. Rajaratna Mudaliar Esq.,
Registrar Chief Court.

Date of issue

Signed by

Dear Mr. Rajaratna Mudaliar,

With reference to your Do of the 21st ultimo enclosing a copy of the further report of the Dist. Judge of Shimoga regarding Mr. Raikes' complaint against an Amin, I am desired to send herewith for the information of the Chief Court, a copy of Do letter Nr. 2376 dated 21st

over.

SUBJECT.

instant from the First Asst
Resident conveying the thanks
of the Resident for the careful
reports of the District Judge.

Yours Sincerely

Sd/ K. Matthan

"Copy"

28
25/4/4

List

Copied by

Examined by

GPB—20,000—25-9-10